



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 24.03.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, Chief Justice
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.6867 of 2022

S.Karuppuswamy

.. Petitioner

Vs.

1. Tamil Nadu State Election Commission,
No.208/2, Jawaharlal Nehru Salai,
(Opp. to Koyambedu Bus Terminus),
Arumbakkam, Chennai-600 106.
2. The District Election Officer/District Collector,
Coimbatore, Coimbatore District.
3. The Election Officer/Executive Officer,
Vellalore Town Panchayat,
Coimbatore.
4. The Superintendent of Police,
Kovai Sub Urban District,
Coimbatore.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the second respondent to appoint new Returning Officer not less than the rank of District Collector or Retired Judge or any other high officials under the monitoring of second respondent with full Police protection without causing any violence to the general public on the day of election for the post of President and Vice President for Vellalur Town Panchayat, Coimbatore District.



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For petitioner : Mr.S.Kumaresan

For respondents: Mr.S.Sivashanmugam,
Standing Counsel for R-1
Mr.R.Shanmugasundaram, Advocate General
assisted by Mr.P.Muthukumar,
State Govt.Pleader
& Ms.A.G.Shakeena for RR-2 & 3
Mr.Hasan Mohammed Jinnah,
Public Prosecutor
assisted by Mr.A.Gopinath,
Govt.Advocate(Crl.Side) for R-4

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

This Writ Petition (Public Interest Litigation) is nothing but repetition of the issue decided earlier with regard to the same Ward, by the order dated 14.03.2022 in W.P.Nos.5795 and 5796 of 2022. This Writ Petition has been filed otherwise to seek a direction for appointment of the District Collector or a retired Judge as the Returning Officer, without showing a legal position and otherwise the direction, as sought, cannot be given to nominate District Collector or a retired Judge as a Returning Officer. The Returning Officer cannot be nominated on the dictum of the electoral candidates, but for that, a decision has to be taken by the State Election Commission to hold independent and transparent Elections.

2. Taking into consideration the aforesaid and the order dated 14.03.2022 (supra), we do not find that any direction can be given, especially the direction which has been sought in this Writ Petition. This Court cannot issue direction to nominate a particular Officer to be the Returning Officer, that too a District Collector or retired Judge.

3. Accordingly, finding no case in favour of the petitioner, the Writ Petition is closed and otherwise, the direction for adequate Police protection has already been in the case (supra). No costs.

Sd/-

Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar



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Kovai Sub Urban District, Coimbatore.

+lcc to Mr.S.Kumaresan, Advocate SR.No.19830
+lcc to the Government Pleader, SR.No.20411

W.P.No.6867 of 2022

NMI (CO)
CB(31/03/2022)
CB(04/04/2022)